

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JAMIES PATRICK JOSEPH LALLY

PLAINTIFF

v.

Civil No. 5:20-cv-05093

JOHN DOE EMPLOYEES OF
WASHINGTON COUNTY; TOM
MULANEY; CHUCK DOMINGUEZ;
MAJOR KORY WEATHERS,
Maintenance Supervisor; and
MAJOR RANDALL DENZER

DEFENDANTS

OPINION

Plaintiff, James Lally, filed this action pursuant to 42 U.S.C. §1983. He proceeds *pro se* and *in forma pauperis*.

When he filed this case, Plaintiff was specifically advised (ECF No. 3) that he was required to immediately inform the Court of any change of address. If Plaintiff was transferred or released, Plaintiff was told he must advise the Court of any change in his address by no later than thirty (30) days from the time of his transfer to another facility or his release. Additionally, Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires *pro se* parties to “promptly notify the Clerk and other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently.”

On December 23, 2020, December 29, 2020, and January 28, 2021, mail was returned as undeliverable to the Court (ECF Nos. 34, 35 & 41) with notations that he had been paroled. Plaintiff had until January 28, 2021 (ECF No. 35), to provide the Court with his new address.

To date, Plaintiff has not provided a new address or contacted the Court in anyway. Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas. Defendants Motion to Dismiss (ECF No. 36) for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure is **DENIED** as moot.

IT IS SO ORDERED on this 8th day of February 2021.

/s/ P. K. Holmes, III

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE